

500 KAR 8:030. Administration of breath alcohol tests and chemical analysis tests.

RELATES TO: KRS 189A.103

STATUTORY AUTHORITY: KRS 15A.160, 189A.103

NECESSITY, FUNCTION, AND CONFORMITY: KRS 189A.103(3)(a) requires the cabinet to promulgate administrative regulations establishing procedures for administering breath alcohol tests and chemical analysis tests of blood and urine. This administrative regulation establishes procedures for administering those tests.

Section 1. The procedures established in this section shall apply to breath alcohol tests. (1) A certified breath test operator shall have the person under personal observation at the location of the test for a minimum of twenty (20) minutes prior to the breath alcohol analysis. During that period the subject shall not have oral or nasal intake of substances which will affect the test.

(2) A breath alcohol concentration test shall consist of the following steps in this sequence:

- (a) Ambient air analysis;
- (b) Alcohol simulator analysis;
- (c) Ambient air analysis;
- (d) Subject breath sample analysis; and
- (e) Ambient air analysis.

(3) Each ambient air analysis performed as part of the breath alcohol testing sequence shall be less than 0.02 alcohol concentration units.

Section 2. The procedures established in this section shall apply regarding chemical tests of blood for alcohol or other substances. (1) The blood sample shall be collected in the presence of a peace officer, or, at the direction of the officer, another person who can authenticate the sample.

(2) The blood sample shall be collected by a person authorized to do so by KRS 189A.103(6).

(3) The blood sample shall be collected by the following method:

(a) Ethyl alcohol (ethanol) shall not be used to clean the skin where a blood sample is to be collected; and

(b) Blood collecting containers shall not contain an anticoagulant or preservative which will interfere with the intended analytical method.

(4) Individual blood collecting containers shall be labeled to provide the following information:

- (a) The name of the person from which the blood sample is collected;
- (b) The date and time the blood sample is collected;
- (c) The name of the person and agency collecting the blood sample;
- (d) The name of the officer and agency requesting the collection of the blood sample; and
- (e) The complete uniform citation number if available.

(5) The blood sample shall be delivered to a forensic laboratory branch of the Department of Kentucky State Police or other clinical laboratory as designated by the Department of Kentucky State Police.

Section 3. The procedures established in this section shall apply regarding chemical analysis of urine for substances of abuse or impairment including alcohol. (1) A urine sample shall be collected in the presence of a peace officer, or, at the direction of the officer, another person who can authenticate the sample. The witnessing person shall be of the same sex as the

person providing the urine sample.

(2) The urine sample shall be collected from the subject person's voiding of his or her bladder. This urine sample may be tested for substances of abuse or impairment including alcohol.

(3) The urine sample shall be collected in a clean, dry container. Preservatives shall not be used.

(4) The urine sample container shall be labeled to provide the following information:

(a) The name of the person from whom the urine sample is collected;

(b) The date and time the urine sample is collected;

(c) The name of the person and agency collecting the urine sample;

(d) The name of the officer and agency requesting the collection of the urine sample; and

(e) The complete uniform citation number if available.

(5) The urine sample shall be delivered to a forensic laboratory branch of the Department of Kentucky State Police or other clinical laboratory as designated by the Department of Kentucky State Police. (18 Ky.R. 565; Am. 1132; eff. 11-8-1991; 30 Ky.R. 2103; 2291; eff. 5-24-2004; 40 Ky.R. 2219; 2692; eff. 7-7-2014; 44 Ky.R. 664; eff. 12-1-2017.)